IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 14275 of 2006(Y)

PETITIONER:

FS. MANOJ, KAMALAMMA NIVAS,
MADATHILNADA, THIRUVALLAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

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1. CORPORATION OF THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE, THIRUVANANTHAPURAM.

2. THE TOWN PLANNING OFFICER,
CORPORATION OF THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM.

3. THE VILLAGE OFFICER,
THIRUVALLOM VILLAGE, THIRUVANANTHAPURAM.

4. THE TAHSILDAR,
THIRUVANANTHAPURAM.

5. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION
SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON,SC,TVM CORPN.
GOVERNMENT PLEADER SRI. BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.14275 OF 2006

EXT.P1: TRUE COPY OF THE PLAN APPROVED BY THE TOWN PLANNING OFFICER OF CORPORATION OF THIRUVANANTHAPURAM.

EXT.P2: TRUE COPY OF SANCTION ORDER NO.TSL/TP/378/04 DATED 16.12.04.

EXT.P3: TRUE COPY OF ORDER DATED 20.4.2004 IN W.P.(C)NO.12958/2004 OF THIS HON'BLE COURT.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.14275 OF 2006

DATED THIS THE 22nd DAY OF AUGUST, 2007

JUDGMENT

The petitioner applied for sanction for construction of a residential building in Thirvallam Village as per the approved plan. The same is not being considered on the ground that in O.P.No.7406/97 this Court had stayed excavation of land and removal of soil in Thiruvallam Village. The petitioner's contention is that what the petitioner wants is digging for construction of foundation for a building, which cannot be termed as excavation of land and therefore, the same would not come within the purview of the said interim order. That O.P.No.7406/97 was finally disposed of in terms of the following interim order passed in that case.

> "In the above facts and circumstances, I direct the 6th respondent to approach the District Collector for permission for quarrying operations in the Thiruvallam area with clearly stating the total quantity of soil that may be required. The District Collector may consider his application in the light of the report submitted by the CESS and may give proper orders. It is made clear that the District Collector will see that by the order the ecological balance of that area is not disturbed. The District Collector can also consult this matter with the Centre for Earth Science Studies. The interim order will not stand in the way of District Collector passing orders on the basis of his own assessment. Such

> orders may be passed within three weeks thereafter. If the petitioners think it necessary to file objection regarding this matter, they can file objection to such quarrying operations and the District Collector will consider and pass orders".

2. The petitioner submits that this writ petition also may be disposed of in terms of that order.

Accordingly, this writ petition is disposed of in terms of the above said order.

S. SIRI JAGAN, JUDGE

Acd